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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/816,833

04/05/2004

Ehtesham Tataei

5257.001

3121

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07/02/2007

EXAMINER

LAUX, JESSICA L

ART UNIT

PAPER NUMBER

3635

MAIL DATE

DELIVERY MODE

07/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/816,833

Applicant(s)

TATAEI, EHTESHAM

Examiner

Jessica Laux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/26/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Information Disclosure Statement*

The information disclosure statement filed 02/26/2007 has been placed in the application file, but the information referred to therein has not been considered as to the merits. The information disclosure statement has not been considered because the examiner fails to understand the correlation between the submitted prior art and applicant's invention and has determined that the submitted references are not relevant to applicant's claimed invention. If this is incorrect then a reply to this office action must include a clear and concise explanation of relevance to the prior art in the information disclosure statement.

### *Claim Rejections - 35 USC § 102*

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Futagi (5787675).**

Regarding claim 1: Futagi discloses an installation system capable of being used for interlocking a plurality of flooring members, comprising:

a plurality of main fasteners (2), each of said main fasteners having an elongated central body portion;

a male connector portion (20) at a first end of said central body portion; and

a female connector portion (22) at a second enlarged head end; said male connector portion being adapted to mate with said female portion (figure 2); and

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a plurality of resilient washer members (23) sized to fit on said elongated central body portion and to abut said second enlarged head end;

wherein said plurality of main fasteners are adapted to form a series of interlocked fasteners passing widthwise through a plurality of flooring members and said resilient washer members adapted to absorb expansion and contraction of said flooring members (where this is an intended use recitation that the connector of Futagi is certainly capable of).

Regarding claim 2: The floor installation system according to claim 1, further comprising a length adjusting screw member (21, at the end of male member 20) having threads extending an entire length of said length adjusting screw member, said entire length of said screw member being adapted to be shortened to a desired length by removing a portion of said entire length (where the limitation "being adapted is a capability statement, and the length adjusting member is certainly capable of being cut to adjust the length).

Regarding claim 3: The floor installation system according to claim 1, further comprising a starting lock nut ( 52, 55 of element 5) for mating with a first set of main fasteners disposed along a first series of starter flooring members (where element 5 is the for the starter course for coupling to the first set of main fasteners, 2).

Regarding claim 6: The floor installation system according to claim 2, further comprising a depth measuring nut for measuring said desired length for said length adjusting screw member, said depth measuring nut adapted to simulate a head portion

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of said main fastener (where any of the elements 2 or 5 are capable of function as a depth measuring nut for measuring a desired length).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Futagi (5787675) in view of Wilson (20050281635).**

Regarding claim 7: Futagi discloses the floor installation system according to claim 1, but does not disclose at least one end cap nut. Wilson discloses an end cap nut having a final female connector portion (23, 27) at one end and a final enlarged head end (25) at an opposite end. It would have been obvious to one of ordinary skill in the art to use the end cap nut of Wilson with the fastening system of Futagi to provide a finished edge.

**Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Futagi (5787675) in view of (Bailey (6709213).**

Regarding claim 4: Futagi discloses the floor installation system according to claim 1, but does not disclose a reversing fastener. Bailey discloses a fastener system comprising a reversing fastener (40, figure 1) having two aligned female type connector sections facing in opposite but aligned directions. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the reversing

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fastener as disclosed by Bailey for the purposes of reversing the fastener system to accommodate various installation situations/environments.

Regarding claim 5: Futagi discloses the floor installation system according to claim 1, but does not disclose a female nut member. Bailey discloses a female nut member (40, figure 1) for converting a male connector portion (30 as disclosed in Bailey) of at least one of a main fastener to an adapted female connector portion simulating said female connector portion (see figure 1 of Bailey). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the female nut member as disclosed by Bailey for the purposes of reversing the fastener system to accommodate various installation situations/environments.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Laux whose telephone number is 571-272-8228. The examiner can normally be reached on Monday thru Friday, 6:30am to 2:30pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



/J. CHAPMAN/  
PRIMARY EXAMINER  
ART UNIT 3635

JL  
06/20/2007